

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ENTROPIC COMMUNICATIONS, LLC,

Plaintiff

v.

CHARTER COMMUNICATIONS, INC.,

Defendants.

Civil Action No. 2:22-cv-00125-JRG

**JURY TRIAL DEMANDED**



**SUPPLEMENT TO PLAINTIFF'S OPPOSITION TO DEFENDANT'S  
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR  
IMPROPER VENUE PURSUANT TO FRCP 12(b)(3)**

In Entropic Communications, LLC’s (“Entropic”) Opposition to Defendant’s Motion to Dismiss the Second Amended Complaint (Dkt. No. 68), Entropic stated that “CCI is listed as the custodian of nearly all the technical documents Charter has produced in this case” (Dkt. No. 68 at 9, 13), including a “Request for Quote” document for one of the accused set-top boxes (Exhibit AB). Entropic submits this supplement to clarify that factual statement.

For Charter’s technical documents, the “Custodian” field displays “Charter Communications, Inc.” At the time Entropic filed its opposition brief, it understood this field to be metadata original to Charter’s production, meaning Entropic understood CCI to be the identified custodian in the metadata. Entropic has since learned that the “Custodian” field was actually coded by its e-discovery vendor during ingestion to reflect the source of the documents. CCI therefore is not “listed” as the custodian and that specific statement is inaccurate.

The remainder of the statement, however, remains correct. CCI is, in fact, the custodian of these documents, regardless of how they are coded. CCI—and not some allegedly separate subsidiary, which is not party to the case—produced the documents in response to CCI’s discovery obligations. CCI’s corporate representative also testified that it maintains all Charter corporate records under a single file management system for all subsidiaries. *See* Dkt. No. 68 at 13. Therefore, it is evident that these technical documents are CCI’s records and CCI is the actual custodian.

Dated: March 6, 2023

Respectfully submitted,

/s/ James Shimota by permission Wesley Hill

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**ATTORNEYS FOR PLAINTIFF**  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a) and served via email on all counsel of record on this sixth day of March, 2023.

/s/ Wesley Hill  
Wesley Hill

**CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL**

This is to certify that the above document should be filed under seal because it contains material designated by the parties as confidential pursuant to the Protective Order entered in this case (Dkt. 36).

/s/ Wesley Hill  
Wesley Hill